

**UNITED STATES PATENT AND TRADEMARK OFFICE**

Examiner: Agnieszka Boesen                      Art Unit: 1648  
Re:                      Application of:                      SUNG, Young Chul et al.  
                                 Serial No.:                      10/528,644  
                                 Filed:                      March 18, 2005  
  
For:                      **A VACCINE ENHANCING THE PROTECTIVE  
IMMUNITY TO HEPATITIS C VIRUS USING  
PLASMID DNA AND RECOMBINANT  
ADENOVIRUS**

**DECLARATION OF DEPOSITOR**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

November 15, 2007

SIR:

I, SUNG, Young Chul hereby state:

1. That I am a co-inventor of the above-identified patent application.
2. That, on August 29, 2002, I deposited samples of

**pGX10 gDsΔST, pGX10, pGX10 NS5, rAd gDsΔST, rAd gDsNS34 and rAd NS5**

*with the Korean Culture Center of Microorganisms (KCCM), as an International Depository Authority, at #361-221 Yurim B/D, Hongje-1-dong, Seodaemun-gu, Seoul 120-091, Republic of Korea, in compliance with the Budapest Treaty on the International Recognition of the Deposit of Microorganisms for the Purpose of Patent Procedure as Deposit Accession Numbers KCCM 10415, KCCM 10417, KCCM 10416, KCCM 10418, KCCM 10420 and KCCM 10419, respectively.*

Copies of the accession agreement are annexed hereto as Exhibit A.

3. I hereby assure the United States Patent and Trademark Office and the public that  
(a) all restrictions on the availability to the public of the deposited materials referred to in paragraph 2 will be irrevocably removed upon issuance of a United States patent of which any of such deposited material is

the subject; (b) the deposited materials will be maintained for a period of at least five years after the most recent request for the furnishing of samples of any of the deposited materials were received by the KCCM and, in any case, for a period of at least 30 years after the date of deposit or for the effective life of such patent, whichever is longer; (c) should any of the deposits become non-viable or mutated, or otherwise incapable of being furnished by the depository upon request due to the condition of the deposit, it will be replaced by Applicants; and (d) access to the cultures will be available to the Commissioner during the pendency of the patent application or to one determined by the Commissioner to be entitled to such cultures under 37 C.F.R. §1.114 and 35 U.S.C. §122.

I hereby declare further that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true and further that I make these statements with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both, under §1011 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.


\* November 15, 2007 \_\_\_\_\_  
Date

\_\_\_\_\_  
SUNG, Young Chul



# Exhibit A

Deposit Receipts for KCCM 10415, KCCM 10417, KCCM 10416, KCCM 10418, KCCM 10420 and KCCM 10419, respectively in U.S. Ser. No. 10/528,644 are as follow:

BUDAPEST TREATY ON THE INTERNATIONAL RECOGNITION OF THE DEPOSIT OF MICROORGANISMS FOR THE PURPOSES OF PATENT PROCEDURE	
INTERNATIONAL FORM	
<p>To: Young Chul Song Department of Life Science, Pohang University of Science and Technology, Pohang 780-701, Korea</p> <p>RECEIPT IN THE CASE OF AN ORIGINAL Issued pursuant to Rule 7.1 by the INTERNATIONAL DEPOSITORY AUTHORITY located at the bottom of this page</p>	
I. IDENTIFICATION OF THE MICROORGANISM	
<p>Identification reference given by the DEPOSITOR: KCCM 10415</p>	<p>Accession number given by the INTERNATIONAL DEPOSITORY AUTHORITY: KCCM 10415</p>
II. SCIENTIFIC DESCRIPTION AND/OR (PROTOTOPE) TAXONOMIC DESIGNATION	
<p>The microorganism identified under I above was accompanied by:</p> <p><input type="checkbox"/> a scientific description  <input type="checkbox"/> the proposed taxonomic designation  <input type="checkbox"/> (along with a cross when appropriate)</p>	
III. RECEIPT AND ACCEPTANCE	
<p>"This International Depository Authority certifies that the microorganism deposited under accession number  received by it on Aug. 21, 2000 (date of the deposit listed)"</p>	
IV. INTERNATIONAL DEPOSITORY AUTHORITY	
<p>Name: Korean Culture Center of Microorganisms  Address: 591-221, Yuseon Bldg  Pohang 780-701  Korea  Republic of Korea</p>	<p>Signature (of person (s) having the power  to represent the International Depository  Authority, or of authorized official(s))  Date: Sep. 5, 2000</p> 

Where Rule 2.4(d) applies, such date is the date on which the name of the International Depository Authority was acquired; where a deposit made outside the Budapest Treaty area the acquisition is the date of a successful deposit, and where a deposit made outside the Budapest Treaty area the acquisition is the date on which the microorganism was received by the International Depository Authority.

Form 2776-5000

**SILVERSTEIN TREATY ON THE INTERNATIONAL  
RECOGNITION OF THE DEPOSIT OF MICROORGANISMS  
FOR THE PURPOSES OF PATENT PROCEDURE**

**INTERNATIONAL FORM**

To: Young Chai Sung  
Department of Life Science  
Pohang University of Science and Technology  
Pohang 790-784, Korea

RECEIVED BY THE CASE OF AN ORIGINAL  
based pursuant to Rule 7.1. by the  
INTERNATIONAL DEPOSITORY AUTHORITY  
deposited at the bottom of this page.

**I. IDENTIFICATION OF THE MICROORGANISM**

Strain and reference data by the  
DEPOSITION  
KCCM-1054

Accession number given by the  
INTERNATIONAL DEPOSITORY AUTHORITY  
KCCM-1054

**II. SCIENTIFIC DESCRIPTION AND PROPOSED TAXONOMIC DESIGNATION**

The microorganism identified under I above was accompanied by:

- ☐ a scientific description  
☐ a proposed taxonomic designation  
(Mark with a cross where applicable)

**III. RECEIPT AND ACCEPTANCE**

This International Depositary Authority accepts the microorganism identified under I above, which was  
received by it on Aug. 22, 1992, from the original depositor.

**IV. INTERNATIONAL DEPOSITORY AUTHORITY**

Name: Korean Culture Center of Microorganisms  
Address: 561-061, Yuseong 2(1)  
Kangse 1-dong  
Seochonmyung  
SEOUL 120-091  
Republic of Korea

Continued: of persons having the power  
to receive the International Depositary

Authority of a person having the power

Date: Aug. 5, 1992



Where Rule 6.1(d) applies, such date is the date on which the status of International Depositary Authority  
was acquired; where a deposit made inside the Budapest Treaty after the conclusion of the status of a  
national depositary authority is protected into a deposit under the Budapest Treaty, such date is the  
date on which the microorganism was received by the International Depositary Authority.

Page 2/2


Page 2/2

**BUDAPEST TREATY ON THE INTERNATIONAL  
RECOGNITION OF THE DEPOSIT OF MICROORGANISMS  
FOR THE PURPOSES OF PATENT PROCEDURE**

**INTERNATIONAL FORM**

To: Magyar Tud. Akad.  
Department of Life Science,  
Hungarian University of Science and Technology,  
P.O. Box 159-744, Budapest,  
Hungary

RECEIPT IN THE CASE OF AN ORIGINAL  
deposit pursuant to Rule 9.1 by the  
INTERNATIONAL DEPOSITORY AUTHORITY  
forwarded at the bottom of this page

<b>I. IDENTIFICATION OF THE MICROORGANISM</b>	
Identification number given by the DEPOSITOR: XXXXXXXXXX	Accession number given by the INTERNATIONAL DEPOSITORY AUTHORITY: XXXX-XXXX
<b>II. SCIENTIFIC DESCRIPTION AND/OR PROPOSED TAXONOMIC DESIGNATION</b>	
The microorganism identified with the above name corresponds to: <input type="checkbox"/> A scientific description <input type="checkbox"/> A proposed taxonomic designation (Mark with a cross where applicable)	
<b>III. RECEIPT AND ACCEPTANCE</b>	
This International Depositary Authority accepts the microorganism identified with the above identification number received by it on Aug. 28, 2005 (date of this original deposit)	
<b>IV. INTERNATIONAL DEPOSITORY AUTHORITY</b>	
Name: Hungarian Culture Centre of Microorganisms Address: 261-20, Városliget H-1051 Budapest Hungary Telephone: +36-1-212-0011 Fax: +36-1-212-0011 E-mail: hcca@hcca.hu	Signature(s) of person(s) having the power to represent the International Depositary Authority or of authorized official(s) Date: Aug. 28, 2005 

Where Rule 1.1(1) applies, such date is the date on which the status of International Depositary Authority was acquired; where a deposit under the Budapest Treaty after the acquisition of the status of International Depositary Authority is converted into a deposit under the Budapest Treaty, such date is the date on which the microorganism was received by the International Depositary Authority.

Form BP/A

Self copy

**PARIAPET TREATY ON THE INTERNATIONAL  
RECOGNITION OF THE DEPOSIT OF MICROORGANISMS  
FOR THE PURPOSES OF PATENT PROCEDURE**

**INTERNATIONAL FORM**

To: Yeon Chul Suh  
Department of Life Science  
Pohang University of Science and Technology  
Pohang 790-784, Korea

RECEIPT IN THE CASE OF AN ORIGINAL  
based pursuant to Rule 7.1.1 by the  
INTERNATIONAL DEPOSITORY AUTHORITY  
located at the Bureau of the Paris

**I. IDENTIFICATION OF THE MICROORGANISM**

Identification information given by the  
DEPOSITOR:  
P4-1-10-05T

Accession number given by the  
INTERNATIONAL DEPOSITORY AUTHORITY:  
KCCM-10618

**II. DESCRIPTIVE DESCRIPTION AND/OR PROPOSED TAXONOMIC DESIGNATION**

The microorganism identified under I above was recognized by:

- ☐ a scientific description  
☐ a proposed taxonomic designation  
Given with a cross when applicable

**III. RECEIPT AND ACCEPTANCE**

The International Depositary Authority receives the microorganism identified under I above, which will  
remain in its custody until the date of the original receipt.

**IV. INTERNATIONAL DEPOSITORY AUTHORITY**

Name: Korean Culture Center of Microorganisms  
Address: 100-11, Nongseon RD  
Nongseon E-mong  
Seodang-dong  
SEOUL 120-011  
Republic of Korea

Signature of person(s) having the power  
to represent the International Depositary

Authority or official seal of the International Depositary

Date: 1995. 11. 10



Where Rule 5.1(i) applies, such date is the date on which the depositary authority has received the deposit, where it is deposited under the Budapest Treaty after the acquisition of the status of international depositary authority, is converted into a deposit under the Budapest Treaty, such date is the date on which the microorganism was received by the international depositary authority.

Form 50/74


2000. 10/24

**BUDAPEST TREATY ON THE INTERNATIONAL  
RECOGNITION OF THE DEPOSIT OF MICROORGANISMS  
FOR THE PURPOSES OF PATENT PROCEDURE**

**INTERNATIONAL FORM**

The Young Chul Sung  
Department of Life Science  
Pohang University of Science and Technology  
Pohang 780-781, Korea

RECEIPT IN THE CASE OF AN ORIGINAL  
issued pursuant to Rule 7.1 by the  
INTERNATIONAL DEPOSITORY AUTHORITY  
located at the deposit of the form

<b>I. IDENTIFICATION OF THE MICROORGANISM</b>	
Identification reference given by the DEPOSITOR JAEONG DAVIS	Accession number given by the INTERNATIONAL DEPOSITORY AUTHORITY J00004-10420
<b>II. SCIENTIFIC DESCRIPTION AND/OR EXPANDED MICROBIOLOGICAL DESCRIPTION</b>	
The microorganism identified under I above was accompanied by: <input checked="" type="checkbox"/> a scientific description <input type="checkbox"/> a deposited taxonomic description Blank with a cross where applicable	
<b>III. RECEIPT AND ACCEPTANCE</b>	
The International Depository Authority accepts the microorganism deposited under I above, which was received by it on date 20.12.02. (Date of the original deposit)	
<b>IV. INTERNATIONAL DEPOSITORY AUTHORITY</b>	
Name: Korea Culture Center of Microorganisms Address: 251-122, Yusong RD Jongno 3-dong Seodaejeon-gu SEOUL 152-081 Republic of Korea	Signature of depositary having the power to represent the international depository authority (ie. of authorized official) Date: Jan 11 2003 

Where Rule 6.1(a) applies, such date is the date on which the depositary authority has accepted the deposit; where a deposit made outside the Budapest Treaty after the conclusion of the period of 12 months from the date of deposit under the Budapest Treaty, such date is the date on which the microorganism was received by the international depository authority.

Form ID/1


5/28 page

**BUENOS AIRES TREATY ON THE INTERNATIONAL  
RECOGNITION OF THE DEPOSIT OF MICROORGANISMS  
FOR THE PURPOSES OF PATENT PROCEDURE**

**INTERNATIONAL FORM**

To: Young Chul Sung  
Director of the Science,  
Physics University of Science and Technology,  
Pohang 760-764, Korea

**EXEMPT IN THE CASE OF AN ORIGINAL**  
Issued pursuant to Rule 7.1 by the  
INTERNATIONAL DEPOSITARY AUTHORITY  
on 11/11/19 at the bottom of this page

<b>A. IDENTIFICATION OF THE MICROORGANISM</b>	
Identification reference given by the <b>DEPOSITOR</b> PAC-NSS	Accession number given by the INTERNATIONAL DEPOSITARY AUTHORITY ICCM-10419
<b>B. SCIENTIFIC DESCRIPTION AND/OR PROPOSED TAXONOMIC DESIGNATION</b>	
The microorganism identified under A above was accompanied by: <input type="checkbox"/> A scientific description <input type="checkbox"/> A proposed taxonomic designation (Mark with a cross where applicable)	
<b>C. RECEIPT AND ACCEPTANCE</b>	
This International Depositary Authority accepts the microorganism identified under A above, which was received by it on Nov. 20, 2002, under the original deposit.	
<b>D. INTERNATIONAL DEPOSITARY AUTHORITY</b>	
Name: Korean Culture Center of Microorganisms Address: 261-221, Yeosu S.O. Hwangje 1-dong Sacheon-si 33001, 330-001 Republic of Korea	Signature(s) of personnel having the power to represent the International Depositary Authority (or of authorized official)  Date: Sep. 5, 2002

Where Rule 6.4(d) applies, each date is the date on which the state, intergovernmental, or depositary authority was acquired, where a deposit made outside the Budapest Treaty has acquisition of the rights of a national depositary authority, a sovereign law, or deposit under the Budapest Treaty, each date is the date on which the microorganism was received by the international depositary authority.

Form DP/4

Side sheet